

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/086,821 05/29/98 LARA

M ATV-004

TM11/1016

PATENT ADMINISTRATOR
TESTA HURWITZ AND THIBEAULT
HIGH STREET TOWER
125 HIGH STREET
BOSTON MA 02110

EXAMINER

SALAD, A

ART UNIT PAPER NUMBER

2153

DATE MAILED:

10/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/086,821

Applicant

Lara et al

Examiner

Abdullahi Salad

Group Art Unit

2757

 Responsive to communication(s) filed on Jul 26, 2000 This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

 Claim(s) 1-20 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

 Claim(s) _____ is/are allowed. Claim(s) 1-20 is/are rejected. Claim(s) _____ is/are objected to. Claims _____ are subject to restriction or election requirement.

Application Papers

 See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on _____ is/are objected to by the Examiner. The proposed drawing correction, filed on _____ is approved disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All Some* None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) _____. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

 Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2153

Response to Amendment

1. The Amendment filed on 07/26/2000 has been entered and made of record.
2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
3. This application has been reviewed. Original claims 1-20 are pending. The rejection cited

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al U.S. Patent No. 6,006,264 as applied to claim 1 above, and further in view of Wolf U.S. Patent No. 6,101,508.

As per claim 1, 15 and 20, Colby et al discloses a system for distributing browser web pages (resource) requests among two or more web servers, comprising:

Art Unit: 2153

monitoring the web servers to determine if a predetermined condition (load metrics) exist at one or more of the web servers (see abstract, see also col. 5, lines 23-42, col. 6, line 63, and col. 9, lines 1-20);

if the predetermined condition does exist at least one of the web servers (see abstract, see also col. 5, lines 23-42, col. 6, line 63, and col. 9, lines 1-20).

Colby et al does not explicitly disclose redirecting by that web server at least one of the browser request from that web server to another one of the web servers such that the browser requests the web page from another one of the web browsers.

Wolf in similar art discloses a web server management system, including the step of redirecting by one of the web server at least one of the browser request from that web server to another one of the web servers such that the browser requests the web page from one of the web servers (see col. 25, lines 52 to col. 26, line 9). Further, Wolf discloses based on the utilization of a specific server which receives browser requests from plurality of client, browser request may be redirected to another server with minimum load. Therefore, it would have been obvious to one skilled in the art presented with the teaching of Wolf to modify Colby et al by employing the teaching of Wolf such that browser request can be redirected from over loaded server to least loaded server to avoid request delay and network bottleneck.

Art Unit: 2153

In considering claims 2-5, 7, 8, 17 and 18, Wolf discloses a system of distributing requests for web pages among two or more web servers, including the monitoring the predetermined condition comprising:

CPU utilization, memory utilization, request queue delay, and queue request length (see col. 11, line 64 to col. 12, line 15, and col. 20, line 51 to col. 21, line 15).

In considering claim 6, Colby et al further discloses a system, wherein the monitoring step comprises monitoring the system load of the host running the web server (see col. 6, lines 42-63).

In considering claims 9, 10, 11 and 16, Colby et al further discloses a system wherein the transferring step comprises transferring only if the request page is for one predetermined pages (frequently accessed pages or hot content or cached pages) (see col. 9, lines 1-20, col. 11, lines 20-60).

In considering claims 12, 13, Colby et al discloses a system, wherein the transferring step comprises:

determining whether the web page (content) is included in a list of pages that have state (recently accessed or cached) (see col. 12, lines 14-50);

transferring only if the web page is not included in the list (see col. 14, lines 5-65).

Art Unit: 2153

In considering claim 14, Colby et al further discloses a system wherein the predetermining condition comprises a failure (see col. 3, lines 37-45).

In considering claim 19, Colby et al further disclose a system including web server interface, wherein the interface directs the web server to transfer the at least one request (see fig. 1c).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2153

CONCLUSION

6. The prior art made of record and relied upon is considered pertinent to the applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on **Monday to Friday from 8:30AM to 5:00PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Glen Burgess**, can be reached at **(703)305-4792**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

AES

10/10/00



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700